

FILED  
3/3/2021 8:14 AM  
Mary Angie Garcia  
Bexar County District Clerk  
Accepted By: Martha Medellin W JD

3CIT PPS

**2021CI03835**

CAUSE NO. \_\_\_\_\_

DARRYL SHERROD <i>Plaintiff,</i>	§	IN THE DISTRICT COURT OF
VS.	§	BEXAR COUNTY, TEXAS
LIBERTY TRUCK AND TRAILER SERVICES, LLC, MELTON TRUCK LINES, INC. AND NICHOLAS ANTHONY JONES <i>Defendants.</i>	§	37th JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **DARRYL SHERROD**, Plaintiff herein, complaining of and against **LIBERTY TRUCK AND TRAILER SERVICES, LLC, MELTON TRUCK LINES, INC.** and **NICHOLAS ANTHONY JONES**, hereinafter referred to as Defendants, and for cause of action would show unto the Court as follows:

**DISCOVERY CONTROL PLAN**

1. Plaintiff intends discovery of this dispute to be conducted under Level 3, pursuant to Texas Rules of Civil Procedure 190.4.

**PARTIES**

2. Plaintiff, **DARRYL SHERROD**, is a resident of San Antonio, Bexar County, Texas.

3. Defendant, **LIBERTY TRUCK AND TRAILER SERVICES, LLC** is a domestic limited liability company and may be served with citation by serving its registered agent: Laura Dinora Roman, 517 E. Avocet Avenue, McAllen, Texas 78504-2238.

4. Defendant, **MELTON TRUCK LINES, INC.** is a domestic limited liability company and may be served with citation by serving its registered agent: Sam Hallman, 2600 Dallas Parkway, Suite 600, Frisco, Texas 75034.

5. Defendant, NICHOLAS ANTHONY JONES ("Jones"), is a resident of Jefferson Parish, Louisiana, and may be served with citation at 2817 Dove Avenue, Marrero, Louisiana 70072.

**VENUE AND JURISDICTION**

5. Plaintiff alleges that venue is proper in Bexar County, Texas, in that the accident made the basis of this action occurred in San Antonio, Bexar County, Texas. In addition, Plaintiff alleges that this Court has jurisdiction herein in that the amount in controversy is within the jurisdictional limits of this Court.

**AMOUNT IN CONTROVERSY**

6. Plaintiff seeks monetary relief of over \$200,000, but not more than \$1,000,000.

**FACTS**

7. Plaintiff brings suit against Defendants as a result of an accident that occurred on or about September 28, 2020 on IH-10 West and the 6400 Block of Camp Bullis Road, in San Antonio, Bexar County, Texas.

8. At the time of the accident in question, Defendant Jones was operating a 2019 Kenworth Truck Trailer owned by Defendant Liberty Truck and Trailer and Melton Truck Lines, Inc. Plaintiff was traveling west approaching the intersection on IH 10 West Access Road attempting to turn left (West) onto Camp Bullis Road. There was an off-duty officer at the intersection directing traffic due to construction on the highway main lanes. Defendant Jones was in the number 1 lane which is a left turn only lane. Plaintiff was making a left turn and Defendant Jones tried to merge onto the number 2 lane and struck Plaintiff in the intersection. Plaintiff said that Defendant Jones thought that the officer was only allowing people to go straight. Plaintiff would show that Defendant Jones' negligence caused Plaintiff to suffer injuries and damages as specified herein.

**CAUSES OF ACTION AGAINST DEFENDANT NICHOLAS ANTHONY JONES**

9. Plaintiff alleges that said wreck was caused by one or more negligent acts and/or omissions on the part of Defendant Jones, whose negligent acts and/or omissions were a proximate cause of certain personal injuries and damages to the Plaintiff. Plaintiff's injuries include, but are not limited to, injuries to his neck and back.

10. The occurrence made the basis of this suit and Plaintiff's resulting injuries and damages were proximately caused by Defendant Jones failing to maintain his truck and trailer and operating his truck and trailer in a negligent manner. He violated the duty which he owed to Plaintiff to exercise ordinary care in the operation of the motor vehicle in one or more of the following manners, without limitation:

- a. In failing to maintain such a lookout as a person of ordinary prudence would have maintained under the same or similar circumstances;
- b. In failing to inspect his vehicle;
- c. In failing to secure his tractor/trailer;
- d. In failing to observe the police officer's directions in directing traffic in a construction zone and yield the right of way; and
- e. In committing various other acts and/or omissions of negligence, both statutory and common law, to be specified in detail at the time of trial.

All of the above acts, wrongs and/or omissions as well as various other acts, wrongs and/or omissions, whether taken together or separately, on the part of the Defendant Jones amounted to negligence and were the proximate cause of the resulting damages and injuries suffered by the Plaintiff herein.

**CAUSES OF ACTION AGAINST DEFENDANTS**  
**LIBERTY TRUCK AND TRAILER SERVICES, LLC AND**  
**MELTON TRUCK LINES, INC.**

11. At all times relevant to this case, Defendant Jones was an agent, servant and employee of Defendant Liberty Truck and Trailer Services, LLC and Melton Truck Lines, Inc. and was working in the course and scope of his employment with and in furtherance of Liberty Truck and Trailer Services, LLC and Melton Truck Lines, Inc.'s business. Accordingly, Defendant Liberty Truck and Trailer Services, LLC and Melton Truck Lines, Inc. is vicariously liable to Plaintiff for Defendant Jones' negligent acts and/or omissions pursuant to respondeat superior and other laws of agency.

**DAMAGES**

12. Because of the bodily injuries proximately caused by Defendants' negligence, Plaintiff has suffered the following legal damages for which he is entitled to reasonable and proper compensation:

- a. Past and future medical bills;
- b. Past and future physical pain and mental anguish;
- c. Past and future physical impairment;
- d. Past and future physical disfigurement;
- e. Past and future loss of wages and wage earning capacity; and
- f. Past and future pain and suffering and mental anguish.

13. Because of the facts alleged herein, Plaintiff has been made to suffer and sustain damages in an amount within the jurisdictional limits of this Court and in such amount as the evidence may show proper at the time of trial.

**REQUEST FOR DISCLOSURE**

14. Pursuant to Rule 194, Defendants are requested to disclose, within 50 days of the service of this request, the information or material described in Rule 194.2(a)-(l).

**PRAYER**

15. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited to appear and answer herein as the law directs, and that upon final trial hereof Plaintiff has judgment of and from Defendants pursuant to the above and foregoing allegations in such amounts as hereinabove set out and as the evidence may show proper at the time of trial, together with both prejudgment and post-judgment interest thereon at the highest legal rate, costs of court, and for such other and further relief, both at law or in equity, to which Plaintiff may be justly entitled to receive.

Dated: March 3, 2021

Respectfully submitted,

**SHAW COWART, L.L.P.**

/s/ Ethan L. Shaw  
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JOHN P.COWART  
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ATTORNEYS FOR PLAINTIFF

**Plaintiff respectfully requests a trial by jury.**



COUNTY CLERK & DISTRICT CLERK  
COURT RECORDS SEARCH

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## Case #2021CI03835

Name : DARRYL SHERROD

Date Filed : 3/3/2021

Case Status : PENDING

Litigant Type : PLAINTIFF

Court : 037

Docket Type : MOTOR VEHICLE ACCIDENT

Business Name : 2021CI03835

Style : DARRYL SHERROD

Style (2) : vs LIBERTY TRUCK AND TRAILER SERVICES LLC ET AL